

REMARKS:

Claims 1-6 and 16-22 are pending in the application. In the Office Action dated August 4, 2005, The Examiner rejected claims 2 and 3 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, and rejected claims 1-6 and 16-22 under 35 U.S.C. 103(a) as being unpatentable over Kurita et al. in view of Tabata. These rejections are respectfully traversed.

As to the 112 rejection of claims 2 and 3, please see 35 U.S.C. 112, sixth paragraph, which states that a means plus function claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof. While two such structures, namely the variable stiffness means set forth in claims 2 and 3, are recited in the specification as embodiments of the present invention, equivalents thereof will be apparent to those of ordinary skill in the art, and it is the aim of claim 1 to claim all such equivalents. Therefore, claims 2 and 3 provide further limitations to the structure defined in claim 1, and are not redundant.

As to the 103 rejection of claims 1-4, Kurita does not disclose a cushion member having two cushion block parts. While the Examiner asserts that two of Kurita's electromagnets 36a and 36b correspond to these recited claim limitations, a reading of the reference reveals that they do not so correspond. First, it is unclear how electromagnets can be construed as cushions. Second, the cushion block parts of the present invention are integrally connected, forming the cushion block member 5, while Kurita discloses four separate electromagnets 36a-d. Applicant asserts that the claim language "a cushion member having two cushion block parts" inherently states that the block parts are interconnected. A cushion member having two cushion block parts is not in either of the references.

Further as to the rejection of claims 1-4, it would not have been obvious to one of ordinary skill in the art to provide Rheological fluid in the cushion block parts as claimed. It is unclear why the Examiner, after citing Kurita's electromagnets as corresponding to the cushion block parts of the present invention, stated that it would have been obvious "to have modified Kurita's apparatus with a cushion block such as taught by Tabata." It is not apparent which element of Tabata's invention is being construed as a cushion block and why the Examiner is now citing Tabata instead of Kurita as allegedly anticipating the cushion block. Assuming even for the sake of argument that Kurita's electromagnets correspond to

the cushion blocks of the present invention, which Applicant maintains they do not, it is not obvious to provide Rheological fluid or an equivalent thereof inside an electromagnet.

Assuming even for the sake of argument that Tabata discloses an element that corresponds to a cushion block, Tabata's fluid is not inside cushion block parts but rather in a chamber 105 which is formed below a singular annular elastomeric body. Tabata neither teaches nor suggests a fluid existing anywhere other than in a chamber. In contrast, the specification of the present application, as well as claims 2 and 3, discloses a Rheological fluid filled in each cushion block. Claim 1 contains the limitation that the apparatus comprises variable stiffness means for varying the stiffness of the two cushion block parts, which is intended to cover the means set forth in the specification and equivalents thereof. Neither of the cited references discloses means for varying the stiffness of cushion block parts, and more specifically as to claims 2 and 3, neither discloses Rheological fluid filled inside cushion block parts.

Still further as to the rejection of claims 1-4, as argued in response to the first Office Action, Kurita discloses neither vehicle body brackets nor assembly body brackets as recited in claim 1. While the Examiner asserts that "targets 38" and "bed 1b" of the cited reference correspond to these recited claim limitations, a reading of the reference reveals that they do not so correspond. In fact, with reference to FIG. 2, Kurita describes a "fixed gap δ between" the targets 38 and electromagnets 36a to 36d. (See col. 5, lns. 2-4). Targets 38 therefore cannot be brackets "contacting inclines" of the cushion blocks as recited. In addition, bed 1b at most vaguely corresponds to an "assembly body 11" shown in FIG. 1 of the instant application because it is generally the load to be supported, but not to the assembly body bracket recited in the claims as also contacting inclines of the cushion blocks. For example, the bed 1b is described in Kurita as being "elastically supported on damping rubber 34" which is in turn mounted on support pillars 32. (Col. 4, lns. 39-44).

For at least these reasons, claim 1 and its dependents, 2-6 and 16, are patentable over the references.

Further, the Examiner's Official Notice that engine mounts using MR fluid with electromagnets and ER fluid with electrode plates are art equivalents, and that it would have been obvious for one of ordinary skill in the art at the time of the invention to have selected either one of the two for their well-known use in the art of damping is hereby traversed. This statement is not capable of instant and unquestionable demonstration as being well-known, and the Examiner is respectfully requested to produce authority for this statement.

As to the 103 rejection of claims 17-19, see paragraphs 3-6 above. Additionally, the Examiner now cited Tabata's element 100 as allegedly corresponding to both the engine mount and the cushion block of the present invention. Again it is unclear whether the Examiner is citing Kurita or Tabata as allegedly disclosing cushion blocks, but assuming even for the sake of argument that Tabata's element 100 does correspond to a vehicle mount apparatus of the present invention, it cannot also correspond to a cushion block, which is a limitation of the vehicle mount as claimed; that is, it is a sub-element of a vehicle mount. Assuming even for the sake of argument that Tabata's element 100 corresponds to a cushion block of the present invention, it cannot anticipate the other claim limitations, which elements exist outside the cushion blocks. For at least this reason, as well as the reasons listed above, claim 17 and its dependents, 18-22, are patentable over the references.

As to the 103 rejection of claim 20, see paragraph 8 above regarding Applicant's traversal of the Examiner's Official Notice.

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance is respectfully requested.

Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060945-0133)

Respectfully submitted,



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